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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,722

11/20/2001

Ofir Shalvi

TI-32222

9142

7590

12/21/2005

DANA L. BURTON  
TEXAS INSTRUMENTS INCORPORATED  
P.O. BOX 655474, MS 3999  
DALLAS, TX 75265

EXAMINER

SEFCHECK, GREGORY B

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/988,722	SHALVI ET AL.	
	Examiner	Art Unit	
	Gregory B. Sefcheck	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson et al. (US 20030012217A1), hereafter Andersson.

- In regards to Claims 1 and 2,

Andersson discloses a method of operating data transmission and reception in a data communication system for a plurality of terminals over a radio interface (transmission channel) having both dedicated channels and common channels (sub-channels; Abstract; Fig. 4; claim 1 – data communication system with a transmission channel having sub-channels for transmitting and receiving data; claim 2 – method of data transmission in a communication system with a transmission channel having sub-channels for transmitting and receiving data).

Referring to Fig. 10, Andersson shows that a first dedicated channel and a common channel are available for transmission of user data from a first terminal (claim

1 – first terminal for transmission of data on one or more of a first plurality of sub-channels; claim 2 – allocating two or more first sub-channels to a first terminal wherein one of the first sub-channels is a first primary sub-channel and another one is a first secondary sub-channel).

Similarly, Andersson shows that a second dedicated channel and the common channel can be allocated for transmission of user data from a second terminal, where the second dedicated channel is different from the first dedicated channel and the common channel for each terminal is the same (claim 1 – second terminal for transmission of data on one or more of a second plurality of sub-channels; claim 1 – first and second plurality of subchannels are partially overlapping such that at least one sub-channel is shared and at least one sub-channel is not shared by the first and second terminal; claim 2 – allocating one or more second sub-channels to a second terminal wherein one of the second sub-channels is the same sub-channel as the first secondary sub-channel and none of the second sub-channels are the same sub-channel as the first primary sub-channel).

Andersson further shows a Channel Type Switch (CTS) 206-210 that controls the allocation of dedicated channel or common channel for data transmission for the first and second terminal (claim 1 – control mechanism for allocating data transmission for the first terminal to one or more of the first plurality of sub-channels and allocating data transmission for the second terminal to one or more of the second plurality of sub-channels).

Referring to Fig. 8, Andersson discloses that data transmission from the first terminal is performed over the first dedicated channel (primary sub-channel) as long as no congestion is detected on that channel (Steps 130-142; Pg. 2, paragraph 10; claim 2 – determining if the first primary sub-channel is congested; claim 2 – transmitting data from or receiving data at the first terminal on the first primary sub-channel if not congested).

However, if the first dedicated channel is congested, transmission over the common channel is requested by checking the throughput of the common channel (Steps 144; claim 2 – requesting to send data on the first secondary sub-channel if the first primary sub-channel is congested). If the throughput of the common channel is detected to be greater than the throughput of the congested dedicated channel, among other possible factors and considerations, data transmission is switched to the common channel (Steps 144-152; Pg. 2, paragraph 15 and 16; claim 2 – receiving confirmation that the data may be sent on the first secondary sub-channel; claim 2 – transmitting data from or receiving data at the first terminal on the first secondary sub-channel).

Also see Pgs. 3-6, paragraphs 30-32 and 44-48.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Garcia-Luna-Aceves et al. (US006928061B1)
- Garcia-Luna-Aceves et al. (US006788702B1)
- Ueda (US006771618B1)
- Lee et al. (US006529520B1)
- Haugli et al. (US006522638B1)
- Cornes et al. (US005956343A)

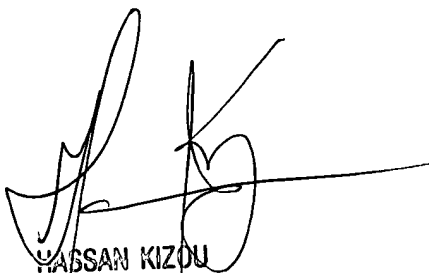
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS  
12-7-2005



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600